

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Behavioral Health	(2) MEETING DATE 5/14/2013	(3) CONTACT/PHONE Karen Baylor, Ph.D., MFT, Behavioral Health Administrator, 781-4179 Amy Olson, ASO II, 781-4729	
(4) SUBJECT Request to approve an amendment to the Joint Exercise of Powers Agreement (Clerk's File) for the purpose of authorizing continued participation of San Luis Obispo County Behavioral Health in the California Counties' Mental Health Services Authority, created to more efficiently and effectively develop and fund regional and statewide Prevention and Early Intervention programs under the Mental Health Services Act.			
(5) RECOMMENDED ACTION It is recommended that the Board approve and direct the Chairperson to sign an amendment to the Joint Exercise of Powers Agreement (JPA) for the purpose of authorizing continued participation of San Luis Obispo County Behavioral Health in the California Counties' Mental Health Services Authority (CalMHSA).			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? N/A
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ____) <input type="checkbox"/> Board Business (Time Est. ____)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP No	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date: <u>2-10-2009</u>	
(17) ADMINISTRATIVE OFFICE REVIEW Reviewed by Leslie Brown			
(18) SUPERVISOR DISTRICT(S) All Districts -			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Jeff Hamm, Health Agency Director
Karen Baylor, Ph.D., MFT, Behavioral Health Administrator

DATE: 5/14/2013

SUBJECT: Request to approve an amendment to the Joint Exercise of Powers Agreement (Clerk's File) for the purpose of authorizing continued participation of San Luis Obispo County Behavioral Health in the California Counties' Mental Health Services Authority, created to more efficiently and effectively develop and fund regional and statewide Prevention and Early Intervention programs under the Mental Health Services Act.

RECOMMENDATION

It is recommended that the Board 1) approve and direct the Chairperson to sign an amendment to the Joint Exercise of Powers Agreement (JPA) for the purpose of authorizing continued participation of San Luis Obispo County Behavioral Health in the California Counties' Mental Health Services Authority (CalMHSA).

DISCUSSION

The Mental Health Services Act (MHSA) was enacted into law January 1, 2005. This followed the passage of Proposition 63 in November 2004 which proposed a 1% tax on adjusted annual income over \$1,000,000. This new stream of funding is dedicated to transforming the public mental health system and seeks to reduce the long-term adverse impact of untreated serious mental illness. The MHSA program is made up of five components: Community Services and Supports, Prevention and Early Intervention (PEI), Capital Facilities and Technology, Workforce Education and Training, and Innovation.

In order to more efficiently and effectively develop and fund regional and statewide PEI services and education programs under the Mental Health Services Act, a number of counties proposed a JPA creating the CalMHSA. The participating member county is allowed the opportunity to collaborate with all other members for the administration of the statewide PEI projects. Each member county has a representative on the Authority's Board of Directors who has the authority to attend, participate in and vote on actions of the Board of Directors. Your Board approved San Luis Obispo County to become a member county of CalMHSA on February 10, 2009.

Now that the Statewide PEI projects have been launched and are in progress, the California Mental Health Directors Association (CMHDA) and the member Counties want CalMHSA to take on other roles as initially contemplated, and find the existing Agreement may be too narrowly drafted. In particular, counties have sought to negotiate and contract jointly through CalMHSA with the California Department of State Hospitals (CDSH) for civil commitment (LPS) beds, as provided for in WIC 4330 to 4335, but CDSH has questioned whether CalMHSA is authorized to do so under its existing agreement.

Accordingly, the amendments for which Board approval is requested are focused primarily on broadening CalMHSA's breadth of programs to include all mental and/or behavioral health programs, as requested by the CalMHSA Board and the CMHDA. The proposed changes include:

- Incorporate into the Recitals additional statutory bases for Counties to act together through CalMHSA.
- Broaden the described Purpose of CalMHSA to expressly embrace mental and behavioral health programs including joint contracting for state hospital beds; joint administration of other state or federal programs such as

the Drug Medi-Cal Treatment Program, managed mental health care for Medi-Cal beneficiaries, and specialty mental health services; operation of program risk pools; provision of fiscal or administrative services useful to the Members; and research, development and execution of policy requests from CMHDA and/or California State Association of Counties (CSAC).

- Clarify that the Board of Directors exercises the powers and conducts the business of CalMHSA.
- Expressly incorporate reference to matters provided for more specifically in the Bylaws including election of officers by the Board of Directors, creation of and delegation to committees, and authority for the Executive Committee to act in the absence of a quorum of the Board.
- Clarify which Government Code provision regarding treasurers is utilized by CalMHSA.
- Clarify termination and disposition procedures.
- Clarify the amendment procedure.
- Clarify the definition of Member and expansion of the definition of Program to include behavioral health programs as well as mental health programs.

OTHER AGENCY INVOLVEMENT/IMPACT

County Counsel has reviewed and approved the Agreement as to form and legal effect.

FINANCIAL CONSIDERATIONS

Approval of the amended Joint Exercise of Powers Agreement broadens the stated purpose of the JPA to allow it to perform additional services for its members. However, the amendment and the original agreement pose no fiscal obligation on the County, because the County is not obligated to participate in any added Programs or Services. Under CalMHSA's Agreement, each CalMHSA Program is fiscally self-contained and members have no financial obligation for Programs in which they do not participate.

RESULTS

Implementation of MHSA programs and services expand County mental health services to all age groups in all regions. In targeting the un-served and the underserved, the State level MHSA programs and services support county PEI programs in promoting health and well-being for adults and children. Establishing an alternative to State administration of State-level MHSA programs through a JPA will result in more cost effective rates for services, reduced demands on county administrative services, and increased speed and efficiency in implementing services. Providing the most appropriate services to the clients increases the probability of positive treatment outcomes. Furthermore, positive treatment outcomes contribute to the wider County vision of a healthy and safe community.

ATTACHMENTS

1. Clerks' Filed Coversheet for the Amended JPA Agreement 2013